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RESPONSE UNDER 37 C.F.R. § 1.116
Expedited Examination Procedure
Examining Group 2872

PATENT
ATTORNEY DOCKET NO. 045070-5032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Yumiko OUCHI)	Confirmation No. 2964
)	
Application No. 09/748,196)	Group Art Unit: 2872
)	
Filed: December 27, 2000)	Examiner: Lee A. Fineman
)	
For: STEREOMICROSCOPE AND)	
TRANSMISSION ILLUMINATION)	
APPARATUS)	

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Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

TECHNOLOGY CENTER 2800

DEC - 9 2003

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Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Second Amendment in response to the Final Office Action dated July 3, 2003 (Paper No. 14) and the Advisory Action dated November 28, 2003, and pursuant to 37 C.F.R. §1.116.
2. Additional papers enclosed:
 - ☐ Submission of Replacement Drawings (with Figures attached)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ reference included
 - ☐ Verification of a Translation (with attached English Translation of priority document).

12/04/2003 SDENB081 00000152 500310 09748196

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310.00 DA

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$ 420.00.

If an additional extension of time is required, please consider this a Petition therefor.

☒ An extension for 1 month has already been secured and the fee paid therefor of \$110.00 is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	9	minus	20	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	7	minus	8	0	x \$86 each=	+ \$344.00
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

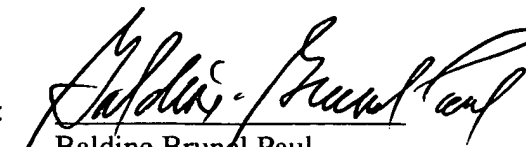
- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge the fee of **\$ 310.00** (representing **\$ 420.00** for the two-month extension of time **minus \$ 110.00** previously paid to secure a one-month extension of time) to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 3, 2003

By:


 Baldine Brunel Paul
 Registration No. 54,369

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SECOND AMENDMENT UNDER 37 C.F.R. § 1.116

In response to the Final Office Action dated July 3, 2003 (Paper No. 14) and the Advisory Action dated November 28, 2003, the period for response to which has been extended through December 3, 2003, by the request for a two-month extension of time and fee filed concurrently herewith, pursuant to 37 C.F.R. §1.116, entry of the following amendment is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.